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COMMISSION ON NARCOTIC DRUGS ACTING AS
PREPARATORY BODY FOR THE SPECIAL SESSION
OF THE GENERAL ASSEMBLY DEVOTED TO THE
FIGHT AGAINST THE ILLICIT PRODUCTION,
SALE, DEMAND, TRAFFIC AND DISTRIBUTION
OF NARCOTIC DRUGS AND PSYCHOTROPIC
SUBSTANCES AND RELATED ACTIVITIES
Second session
Vienna, 16-20 March 1998
Agenda item 2 (b)*

PREPARATIONS FOR THE SPECIAL SESSION OF THE GENERAL ASSEMBLY TO CONSIDER THE FIGHT AGAINST THE ILLICIT PRODUCTION, SALE, DEMAND, TRAFFIC AND DISTRIBUTION OF NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES AND RELATED ACTIVITIES AND TO PROPOSE NEW STRATEGIES, METHODS, PRACTICAL ACTIVITIES AND SPECIFIC MEASURES TO STRENGTHEN INTERNATIONAL COOPERATION IN ADDRESSING THE PROBLEM OF DRUG ABUSE AND ILLICIT TRAFFICKING

CONSIDERATION OF THE REPORTS OF THE INFORMAL INTER-SESSIONAL MEETINGS OF THE COMMISSION ACTING AS PREPARATORY BODY FOR THE SPECIAL SESSION OF THE GENERAL ASSEMBLY ON INTERNATIONAL DRUG CONTROL

Measures to promote judicial cooperation

*The agenda for the session is contained in document E/CN.7/1998/PC/1.

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I. EXTRADITION

1. It is recommended that States:

(a) If needed and so far as possible on a periodic basis, review their domestic legislation to simplify procedures for extradition, consistent with their constitutional principles and the basic concepts of their legal systems;

(b) Inform other States of the competent authority or authorities designated to receive, respond to and process extradition requests; in that regard, communicating the name, address and telephone number of the authority or authorities to the United Nations International Drug Control Programme, would be useful;

(c) Prepare summaries of their domestic laws and extradition practices, to be made available to other States;

(d) Subject to constitutional provisions, international drug control treaties and national legislation, consider extraditing their nationals for serious drug offences on agreement that they will be surrendered for prosecution but that they could be returned to serve any sentences imposed in their State of nationality; and reconsider the other traditional exceptions to extradition, particularly in cases involving serious crimes;

(e) Utilize, where appropriate, as a resource the Model Treaty on Extradition (General Assembly resolution 45/116, annex) when negotiating such treaties;

(f) Maximize the use of modern technologies for facilitating communications, as long as they are secure and consistent with domestic legal systems.

II. MUTUAL LEGAL ASSISTANCE

2. It is recommended that States:

(a) Ensure that their domestic legislation enables them to implement article 7 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;

(b) Designate an authority or authorities with the power both to make and to execute, or to transmit for execution, requests for mutual legal assistance; and, pursuant to the provisions of article 7, paragraphs 8 and 9 of the 1988 Convention, notify the Secretary-General of the name, address, fax number, telephone number and e-mail address (if any) of the authority or authorities designated to receive such requests, as well as the language or languages acceptable;

(c) Provide other States with guides or manuals on how to make requests for mutual legal assistance;

(d) Develop model forms for requests for mutual legal assistance;

(e) Utilize, where appropriate, as a resource the Model Treaty on Mutual Assistance in Criminal Matters (General Assembly resolution 45/117, annex) when negotiating such treaties;

(f) Maximize the use of modern communication technologies, such as the Internet and facsimile machines, as long as they are secure and consistent with the domestic legal system and available resources, to expedite and render more efficient requests for mutual legal assistance and the execution of such requests;

(g) Consider the use of telephone and video link technology for obtaining witness statements and testimony, as long as they are secure and consistent with domestic legal systems and available resources.

III. TRANSFER OF PROCEEDINGS

3. It is recommended that States:

(a) Make available information on their experiences in the transfer of proceedings, if they possess such experiences, to other interested States;

(b) Consider enacting the legislation necessary to transfer or receive proceedings in criminal matters;

(c) Consider whether it would be useful to enter into agreements with other States that have similar legal systems to transfer or receive proceedings in criminal matters, particularly with those States that do not extradite their own nationals; and, in that connection, refer to the Model Treaty on the Transfer of Proceedings in Criminal Matters (General Assembly resolution 45/118, annex) as a basis for negotiations.

IV. OTHER FORMS OF COOPERATION AND TRAINING

4. It is recommended that States:

(a) Consider developing or expanding programmes for the exchange of law enforcement personnel, giving special consideration to exchanging experts who can assist in such areas as forensic evidence or financial investigations or who can exchange knowledge, experiences and techniques concerning drug trafficking and related offences;

(b) Where appropriate, consider methods of enhancing cooperation between law enforcement agencies; improve the sharing of intelligence and the development of shared investigative strategies to combat drug-trafficking organizations operating in several States; ensure that investigative activities in one State complement those undertaken in other States; and be ready to work together on specific projects, without prejudice to the jurisdictions of the States concerned;

(c) Exchange information developed through forensic analysis, particularly on the basis of scientific profiles of seized narcotic drugs, psychotropic substances and precursors and the examination of packaging materials;

(d) Consider developing secure means of using modern communication capabilities to facilitate the fast exchange of information consistent with domestic legal systems;

(e) Consider establishing specialized units within or linked to law enforcement agencies, for investigating drug trafficking cases, encouraging close coordination between all relevant agencies, such as customs, coastguard and police departments, and ensuring that training is provided;

(f) Consider measures to reinforce cooperation between the criminal justice, health and social systems in order to reduce drug abuse and related health problems;

(g) Strengthen cooperation not only among enforcement agencies, but also among judicial authorities;

(h) Cooperate as appropriate with neighbouring States through agreements or arrangements to ensure that their inland waters are not used for illicit traffic.

V. CONTROLLED DELIVERY

5. It is recommended that States:

(a) If permitted by the basic principles of their respective domestic legal systems, ensure that their legislation, procedures and practices allow for the use of the technique of controlled delivery both at the domestic and at the international level, subject to agreements, arrangements and understandings mutually consented to between States;

(b) Consider entering into agreements and arrangements with other States, particularly neighbouring States, to facilitate the use of controlled deliveries; or consider that possibility on a case-by-case basis;

(c) Assist one another through the exchange of experiences and equipment; and, if they have developed technical equipment for tracking consignments of illicit drugs or have developed innocuous substances that can be substituted for illicit drugs, consider supplying the equipment or substances to other States to ensure successful controlled deliveries.

VI. ILLICIT TRAFFIC BY SEA

6. It is recommended that States:

(a) Review national legislation to ensure that the legal requirements of the 1988 Convention are met, for example the identification of competent national authorities, the maintenance of ship registries and the establishment of adequate law enforcement powers;

(b) Review communication channels and procedures between competent authorities to facilitate coordination and cooperation with the objective of ensuring rapid responses and decisions;

(c) Promote regional cooperation in maritime drug law enforcement by means of bilateral and regional meetings, including meetings of heads of national drug law enforcement agencies;

(d) Negotiate and implement bilateral and multilateral agreements to enhance cooperation in combating the illicit drug traffic by sea in accordance with article 17 of the 1988 Convention;

(e) Provide training to law enforcement personnel in maritime drug law enforcement, including the identification and surveillance of suspicious vessels, procedures for boarding, searching techniques and drug identification;

(f) Cooperate with other States through multilateral training seminars;

(g) Consistent with their legal systems, promote common maritime law enforcement procedures through the use of the maritime drug law enforcement training guide of the United Nations International Drug Control Programme.

VII. COMPLEMENTARY MEASURES

7. It is recommended that States should consider designing complementary measures to further enhance the implementation of the 1988 Convention in the following areas, reconciling respect for individual human rights with the basic principles of justice and security:

(a) The protection of judges, prosecutors, witnesses and other members of surveillance and law enforcement agencies, whenever the circumstances so warrant, in cases that involve illicit drug trafficking;

(b) New investigative techniques;

(c) The harmonization and simplification of procedures to increase international cooperation;

(d) The development or strengthening of legal institutions and their capacity for judicial cooperation, especially in respect of drug-related offences;

(e) The improvement of the professionalism of criminal justice personnel through enhanced technical cooperation, training and human resource development.

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